

Summary
Water Pollution Control Board
Indiana Government Center North
Conference Rooms 1&2
Indianapolis, Indiana
Wednesday, September 14, 2011

1. CALL TO ORDER

Chairman Gary Powdrill called the meeting to order at 1:30 p.m. A quorum was present.

Members present: Gary Powdrill; Ted Alexander; Dennis Wene; Ken Hedge; Mark Legan; Erin Crofton; Dave Wagner; Pam Fisher; Mike Neyer; Brandon Seitz; and Deborah Albright.

Present for IDEM: Commissioner Thomas Easterly; Bruno Pigott, Assistant Commissioner, Office of Water Quality (OWQ); Martha Clark Mettler, Deputy Assistant Commissioner, OWQ; Kiran Verma, Rulewriter, Rules Development Section, Office of Legal Council (OLC); Rick Miranda, Technical Engineer, Drinking Water Branch, OWQ; and Nancy King, Branch Chief, Rules Development Section, OLC.

2. INTRODUCTION OF BOARD MEMBERS

Chairman Powdrill asked the board members to introduce themselves and their affiliations.

3. APPROVAL OF MEETING SUMMARY

Chairman Powdrill called for approval of the July 27, 2011 meeting summary. He noted that a correction should be made to Bill Beranek's title from Mr. to Dr. Bill Beranek. A motion was made and duly seconded to accept the meeting summary as amended. The board voted unanimously to approve the July 27, 2011 summary as amended.

4. REPORTS

- Water Quality Standard for Chlorides – Mr. Bruno Pigott reminded the board about the earlier citizen's petition to amend the water quality standard for Chlorides rule. He stated that a workgroup had been formed to discuss the chlorides-sulfate criteria, and its first meeting would be on September 29.
- NPDES Permit Backlog Report – Mr. Pigott discussed the 13 administratively extended NPDES permits. He added that a public hearing on September 15 would be held at Ivy Tech in Gary, Indiana, regarding the ArcelorMittal East and ArcelorMittal West facilities.

5. RULE ACTIONS

Concentrated Animal Feeding Operations (CAFO) Emergency Rule

Chairman Powdrill opened the board action for consideration of adoption of the CAFO emergency rule under IC 4-22-2-37.1. He announced that, if adopted, the emergency rule would become effective on September 15, 2011, and it would remain in effect for 90 days. He indicated that this emergency rule could be extended for two 90-day extensions. He then introduced Exhibit A, the proposed emergency rule, into the record of the hearing.

Ms. Nancy King spoke for the agency. She explained how the emergency rule would maintain the applicability to be the same as the Federal rule for large CAFOs. Ms. King then explained the status of the CAFO and Confined Feeding Operations rulemakings. She added that the 3rd comment period for both rulemakings ended on September 2 and that staff is currently working on responses to comments received.

There was no board discussion. A motion to adopt the proposed emergency rule was entertained and seconded. With a voice vote, the board unanimously voted to adopt the CAFO emergency rules.

LSA# 10-414 Cross Connection Control (CCC) Documents and related Technical Changes Rule

Chairman Powdrill opened the public hearing to consider the preliminary adoption of the incorporation by reference of CCC documents and related Technical Changes rule. He then introduced Exhibit B, the draft rules, into the record of the hearing.

Ms. Kiran Verma spoke for the agency. She explained the purpose of the rulemaking. She clarified how it incorporates by reference the recent documents used by the University of Southern California for backflow testing in Indiana and relates to updating Indiana's references to technical documents. She noted that there was no fiscal impact on regulated entities associated with the rulemaking.

There were no public comments and there was no board discussion.

A motion to preliminarily adopt the draft rule was made and seconded. With a voice vote, the board unanimously voted to preliminarily adopt the draft rule as presented.

LSA# 08-764 Antidegradation

Chairman Powdrill opened the public hearing to consider preliminary adoption of the Antidegradation rule. He introduced Exhibit C, the draft rules, into the record of the hearing.

Chairman Powdrill recalled that at the last meeting the board voted to postpone action on the rulemaking. The postponement was to allow time for board members to meet with the agency to work on changes to the draft rule subsequent to concerns raised at the initial preliminary adoption hearing. He stated that the outcome of those meetings and the recommended changes were put in a report and sent in the board packet.

Chairman Powdrill called on Mr. Dave Wagner to explain what process was used and the recommended changes to the draft rules that derived from those meetings. Mr. Wagner gave an overall summary of the report.

Thereafter, Chairman Powdrill called on the public commenters to speak: Mr. Tim Lohner, American Electric Power, on behalf of Indiana Utility Group; Mr. John Davis, Dept. of Natural Resources; Ms. Lynn Dennis, Nature Conservancy, Indiana Chapter; Mr. Vince Griffin, Indiana Chamber of Commerce; Mr. Bowden Quinn, Sierra Club Hoosier Chapter; Mr. Jeffrey Hyman, Conservation Law Center; Mr. Tim Maloney, Hoosier Environmental Council; and Mr. Fred Andes, Barnes & Thornburg. In addition, Chairman Powdrill asked Mr. Pigott to speak on the accompanying documentation process relating to the antidegradation rule.

The public hearing concluded and there was a board discussion.

Chairman Powdrill then entertained a motion to adopt the draft rule as presented. A motion was made to preliminarily adopt the draft rule and it was seconded. With a voice vote, the board voted 9 to 1 in favor of preliminary adoption of the antidegradation draft rule as presented to the board.

6. OPEN FORUM

There was none.

7. ADJOURNMENT

The next meeting is tentatively scheduled for 1:30 p.m. EST on Wednesday, November 9, 2011, at the Indiana Government Center South Conference Room A. Chairman Powdrill adjourned the meeting at 2:56 p.m.

CHAIRPERSON

The summary is derived from Rules Development Branch staff members' notes. A typewritten transcript of the entire meeting is on file in the Office of Legal Counsel, Indiana Department of Environmental Management. To view approved summaries or minutes, you may go online to <http://www.in.gov/idem/4707.htm>.